

2 Apr  
3/23/00  
K.S**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Royer et al.

Serial No.: Continuation of appln. Ser. No. Group Art Unit: 1636  
08/816,915

Filed: August 29, 1997

Examiner: R. Yucel

For: NON-TOXIC, NON-TOXIGENIC, NON-PATHOGENIC *FUSARIUM* EXPRESSION  
SYSTEM**PRELIMINARY AMENDMENT**

Please amend the application as follows:

**IN THE CLAIMS**

Please cancel claims 1-19 without prejudice.

Please add new claims 21-22:

21. (new) A recombinant host cell having the identifying characteristics of a non-toxic, non-toxigenic, non-pathogenic *Fusarium venenatum* host cell of the section *Discolor* or a teleomorph or synonym thereof which expresses a heterologous protein, comprising a nucleic acid sequence encoding said heterologous protein operably linked to a promoter.

22. (new) An isolated *Fusarium venenatum* host cell comprising a nucleic acid sequence encoding a heterologous protein.

Please amend claim 20 as follows:

Please change the dependency from "claim 1" to --claim 20--.

**R E M A R K S**

Applicants have canceled claims 1-19 and have added new claims 21-22 to recite